

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF ANDRE MOORE § No. 136, 2012
FOR A WRIT OF CERTIORARI §

Submitted: April 4, 2012
Decided: April 10, 2012

Before **HOLLAND, JACOBS** and **RIDGELY**, Justices.

ORDER

This 10th day of April 2012, it appears to the Court that:

(1) The petitioner, Andre Moore, seeks to invoke this Court's original jurisdiction to issue an extraordinary writ of certiorari¹ to compel the Superior Court to review his criminal sentences in order to determine when he will be released to Level IV. The State of Delaware has filed an answer requesting that Moore's petition be dismissed. We find that Moore's petition manifestly fails to invoke the original jurisdiction of this Court. Accordingly, the petition must be dismissed.

(2) The record before us reflects that, in February 2006, Moore pleaded guilty to two counts of Robbery in the First Degree, two counts of Robbery in the Second Degree, Conspiracy in the Second Degree and Possession of a Firearm During the Commission of a Felony. Several other

¹ Del. Const. art. IV, §11(5); Supr. Ct. R. 43.

robbery charges were dismissed by the State. Moore was sentenced to a total of 20 years of Level V incarceration, to be suspended after 11 years for decreasing levels of supervision. Between 2006 and 2012, Moore filed four motions for sentence modification pursuant to Superior Court Criminal Rule 35, all of which were denied by the Superior Court. Rather than file an appeal from the Superior Court's latest denial, Moore filed the instant petition for a writ of certiorari.

(3) A writ of certiorari is an extraordinary remedy that is used to correct irregularities in the proceedings of a trial court.² Certiorari is available to challenge only a final order of a trial court where the right of appeal is denied, a grave question of public policy and interest is involved, and no other basis for review is available.³ Where these threshold requirements are not met, this Court has no jurisdiction to consider the petitioner's claims, and the petition will be dismissed.⁴

(4) There is no basis for the issuance of a writ of certiorari in this case. Moore has not shown that a grave question of public policy or interest is at stake, nor has he shown that he has been denied his right of appeal.

² *Shoemaker v. State*, 375 A.2d 431, 437 (Del. 1977).

³ *Id.* at 437-38.

⁴ *In re Butler*, 609 A.2d 1080, 1081 (Del. 1992).

Because this Court lacks jurisdiction to consider Moore's claims, his petition must be dismissed.

NOW, THEREFORE, IT IS ORDERED that Moore's petition for a writ of certiorari is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice